

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

RILEY NATURAL GAS COMPANY,
a West Virginia corporation,

Plaintiff,

v.

Civil Action No. 15-C-504-3
Judge James A. Matish

NORTHSTAR ENERGY CORPORATION
A West Virginia corporation,

Defendant.

MOTION BY JUDGE JAMES A. MATISH TO REFER CASE TO BUSINESS COURT

The Harrison County Circuit Court, The Honorable James A. Matish, now moves pursuant to West Virginia Trial Court Rule 29.06 that the above-styled case should be referred to the Business Court Division.

The verified complaint in the case was filed on October 13, 2015. The Defendant answered the complaint on November 19, 2015. The Plaintiff filed an amended complaint on November 30, 2015, and the Defendant filed an amended answer with counterclaims on December 9, 2015. The Plaintiff filed its reply to the counterclaim on December 23, 2015, and thus, the time to file an answer has elapsed as of the date this Motion was prepared.

The principal claim in the case involves a matter of significance regarding a transaction between two business entities. Specifically, the case involves a contract between the parties, wherein Northstar Energy Corporation ("NEC") agreed to sell and deliver natural gas to Riley Natural Gas Company ("RNG"), and RNG agreed to purchase and receive said natural gas. Both


parties allege breach of contract by the other party, and both parties dispute the specific obligations required by the contract.

The Court requests this referral because the disputes to be tried involve complex issues relating to a commercial transaction in the oil and gas industry, and specialized treatment by a court with specialized knowledge of the subject matter and familiarity with the specific law and/or legal principles relating to commercial oil and gas contracts will certainly improve the expectation of a fair and reasonable resolution of the controversy. The claims do not involve any of the claims specified in West Virginia Trial Court Rule 29.04(a)(3). Furthermore, the Plaintiff consents to this referral.

Finally, the Court is unaware of any related actions currently pending or if any such actions will be filed in the future.

The Court has attached all documents required by West Virginia Trial Court Rule 29.06(a)(1). The Court has also served a copy of this Motion on all parties specified in Rule 29.06(a)(3): Shawn A. Morgan, Plaintiff's counsel; Stephen L. Thompson, Defendant's counsel; Donald L. Kopp, II, Circuit Clerk of Harrison County; and the Central Office of the Business Court Division.

Respectfully submitted on May 11, 2016,



Judge James A. Matish
15th Judicial Circuit, Division 3



FIFTEENTH JUDICIAL CIRCUIT
DIVISION 3
HARRISON COUNTY

JAMES A. MATISH, JUDGE
PHONE (304) 624-8593
FAX (304) 624-8592

HARRISON COUNTY COURTHOUSE
301 WEST MAIN STREET, ROOM 116
CLARKSBURG, WEST VIRGINIA 26301

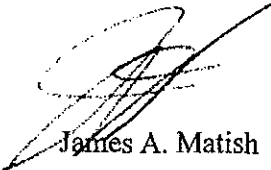
May 11, 2016

Rory L. Perry, II
Clerk of Court
Supreme Court of Appeals of West Virginia
State Capitol Room E-317
1900 Kanawha Boulevard East
Charleston, WV 25305

Dear Mr. Perry,

Enclosed is a "Motion by Judge James A. Matish to Refer Case to Business Court" and attachments. Please file the same for the Chief Justice's consideration. If you have any questions please do not hesitate to contact our office at (304) 624-8593. Thank you for your time and consideration.

Very truly yours,



James A. Matish

JAM

cc: Shawn A. Morgan
Stephen L. Thompson
Donald L. Kopp, II
Business Court Division, Central Office

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HARRISON COUNTY